

FILED 10 JAN 21 14:14 USDC ORP

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KRIS INDERGARD,

Plaintiff,

Civil No. 06-1317-PK  
Portland Division

GEORGIA-PACIFIC CORPORATION,

ORDER

Defendant.

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HAGGERTY, District Judge:

Magistrate Judge Papak issued a Findings and Recommendation [81] in this action that recommended that defendant's Motion for Summary Judgment [70] should be denied. The Findings and Recommendation concluded that:

1. Plaintiff's Complaint, taken as a whole, contained sufficient allegations to provide notice of her claim for an unlawful medical examination under 42 U.S.C. § 12112(d)(4)(A);
2. Plaintiff's Complaint sufficiently alleged a state law claim for an unlawful medical examination under ORS 659A.136; and

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3. Plaintiff's EEOC charge and plaintiff's Complaint both involve defendant's response to plaintiff's request to return to work; plaintiff's medical examination claim is reasonably related to her EEOC claim such that she has not failed to exhaust her administrative remedies with regard to her medical examination claim.

No objections were filed, and the matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate Judge. *Campbell v. United States Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Findings and Recommendation in its entirety.

### **CONCLUSION**

For the foregoing reasons, the court adopts the Findings and Recommendation [81].  
Defendant's Motion for Summary Judgment [70] is denied.

IT IS SO ORDERED.

DATED this 21 day of January, 2010.



Aancer L. Haggerty  
United States District Judge